THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.29876 of 1995

Dated:18.04.2006

Between:

Pandu Karnudu.

..... PETITIONER

AND

The District Munsif-cum-Special Officer, Mumimidivaram, East Godavari District, and another.

.....RESPONDENTS

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.29876 of 1995

ORDER:

The petitioner claims to be the cultivating tenant in respect of the land admeasuring Acs.2.17 cents situated at Mummidivaram Village of East Godavari District. The second respondent is the owner of the land. She filed A.T.C.No.21 of 1989 on the file of the Court of the District Munsif-cum-Special Officer, Mummidivaram, for eviction of the petitioner herein, who is the second respondent in the said case. By an order, dated 05.10.1995, the learned District Munsif-cum-Special Officer constituted under the Andhra Pradesh (Andhra Area) Tenancy Act, 1956, ordered eviction of the petitioner and directed the petitioner to vacate the land and deliver the possession to the second respondent herein. As the same was not done, an application was moved, being E.P.No.62 of 1995. The same was ordered and delivery warrants were issued on 14.11.1995. Aggrieved by the same, the present writ petition is filed.

A reading of the affidavit would show that the petitioner filed A.S.S.R.No.3638 of 1995 on the file of the Court of the Subordinate Judge, Amalapuram, against the order made in E.A.S.R.No.3056 of 1995, which was filed under Section 47 of the Code of Civil Procedure, 1908, in which he prayed to set aside the delivery warrants. The same was rejected. In spite of the same, though the petitioner has an effective remedy of filing an appeal before the Appellate authority-cum-District Judge he did not do so. For this reason alone, this Court is not inclined to interfere in the Writ Petition.

The Writ Petition is accordingly, dismissed. No costs.

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(V.V.S.RAO, J)

18.04.2006

vs